

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Very Low and Lower Income Housing in the Coastal Zone

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Purpose

This policy establishes guidelines for implementing Section 65590 et. seq. of the Government Code related to very low and lower income housing in the Coastal Zone. These requirements include:

- a. Replacement housing for units occupied by persons of very low or lower income when such units are proposed for conversion or demolition.
- b. Inclusion of very low or lower housing units, where feasible, in new housing developments.

Background

The California Coastal Act of 1976 contained a requirement that housing opportunities for persons and families of very low or lower income be protected and, where feasible, be provided. Controversy generated by the difficulties in implementing this portion of the Coastal Act resulted in the passage of legislation which removed the very low and lower cost housing issue from the Coastal Act area (Stats. 1981, ch. 1007).

Legislation adopted in September, 1981, established specific requirements for both new housing and replacement housing. These provisions have placed the responsibility for such housing with the individual coastal cities and counties. The adoption of this policy will give the community, developer and staff guidelines for the provisions of housing in the coastal area within the policy framework of the adopted Housing Element and State Law.

Policy

It is the policy of the Board of Supervisors to protect and encourage opportunities for very low and/or lower income housing units in the Coastal Zone and where feasible, to require new housing developments to provide units affordable to persons or families of very low or lower income.

Program

All applications for new housing development or for the conversion or demolition of existing residential units shall be subject to the provisions of this policy when such proposals are located in the Coastal Zone as delineated in Division 20 (commencing with Section 3000) of the Public Resources Code.

Definitions

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For the purpose of this policy, the following definitions shall apply:

Demolition means the demolition of a residential dwelling which has not been found feasible for retention pursuant to Section 30612 of the Public Resources Code.

Conversion means a change of a residential dwelling to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling to a non- residential use.

Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technical factors.

In-Lieu Payment means a fee paid as an alternative to the provision of a replacement unit(s).

New Housing Development means all projects approved by the County of San Diego after January 1, 1982, or, those projects approved prior to January 1, 1982 and which have conditions requiring low and moderate income housing which were incorporated into a coastal development permit. All projects approved by the County of San Diego after September 11, 1990, shall meet conditions for very low and lower income households.

Replacement Unit shall mean newly constructed dwelling units or existing deteriorated dwelling units which the developer agrees to substantially rehabilitate. For purposes of this policy, a dwelling unit shall be deemed to be occupied by persons of very low or lower income if the person or family was evicted from the dwelling unit within one year prior to the filing of the application to demolish the structure and if the eviction was for the purpose of avoiding the requirements of the law.

Coastal Zone as defined and established by the State Legislature pursuant to the California Coastal Act of 1976, and as shown on the San Dieguito Community Plan Map.

Income Requirements Very Low Income - at or below 50% of the HUD Regional Median Income. Lower Income - at or below 80% of the HUD Regional Median Income.

I. New Housing Developments

All development applications for new housing in the Coastal Zone shall be encouraged to provide a portion of units affordable to very low and lower income families. In order to assist in providing new housing units, private developers shall be offered the following incentives:

A. Density development bonuses for proposal including elderly, handicapped and/or very low and lower income families.

B. Expedited permit processing.

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C. Reduced parking requirements where feasible.

D. Use of Community Development Block Grant funds to offset public improvements, facilities and land acquisition costs.

II. Demolitions and/or Conversions

Prior to issuing any permit for the demolition of residential units in the coastal area; or, in accordance with any conditional approval granted for a proposed conversion of residential units, the applicants shall provide evidence that:

A. No very low or lower income person or family is occupying or has occupied within the past year the units to be removed or converted. The applicant shall provide such assurance under oath satisfactory to the Director of Planning; or

B. If a very low or lower income person or family is occupying or has occupied within the past year the units to be removed or converted, the applicant has submitted evidence of plans for the replacement of such units. Such evidence shall be to the satisfaction of the Director of Planning. Replacement units shall be located either on the site of the demolition or conversion or elsewhere in the Coastal Zone or if determined infeasible in the Zone, within three miles thereof. The replacement dwelling units shall be provided and available for use within three years from the date upon which work commenced on the conversion or demolition of the residential dwelling unit; or

C. If a very low or lower income person or family is occupying or has occupied within the past year the units to be removed or converted, the applicant has elected to offer an in-lieu payment for the replacement units which otherwise would have been required to the satisfaction of the Director of Planning and with the concurrence of the Department of Housing and Community Development.

III. In-Lieu for Very Low and Lower Income Housing

An applicant subject to the demolition and/or conversion requirements of this policy may offer payment for the replacement units. A special fund may be designated for assisting in the development of very low and lower income units. The payments shall be held in trust until sufficient funds have been accumulated to assist in site acquisition, on-site and off-site improvements and payment of development and processing fees of low and moderate income units. Each project proposing to utilize such funds shall include a fiscal impact statement describing the intended use.

Exemptions

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The following types of Coastal Zone development proposals will be exempt from the replacement provisions of the law unless such proposals are otherwise found to be feasible for the inclusion of very low and lower income units:

-A single residential structure containing less than three units or ten or fewer dwelling units when more than one structure is involved.

-The conversion or demolition of a residential structure for a non-residential use which is coastal dependent or coastal related as defined in the County's Local Coastal Program. In such cases, the applicant must provide the department with evidence satisfactory to the Director of Planning that the proposed use is coastal dependent or coastal related. Any demolition or conversion of a residential use to a non-residential use which is not coastal dependent requires a finding that a residential use is no longer feasible in this location and replacement units must be required elsewhere.

-Applications for demolition where the residential structure has been declared to be a health hazard, a public nuisance or substandard pursuant to County Codes.

Sunset Date

This policy will be reviewed for continuance by 12-31-03.

Board Action

1-27-82 (24)
7-26-88 (43)
12-12-89 (49)
6-5-90 (43)
9-25-90 (41)
4-14-99 (11)

CAO Reference

1. Department of Planning and Land Use
2. Department of Housing and Community Development